

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Michael David Longworth

Docket No. 7:13-MJ-1031-1

Petition for Action on Probation

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the probation order imposed on Michael David Longworth, who, upon an earlier plea of guilty to 18 U.S.C. § 3607, Simple Possession of Marijuana, was placed on a special term of probation by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on April 3, 2013, under the standard conditions adopted by the court and the following additional condition:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Immediately following sentencing, Longworth's probation was transferred to the Southern District of Indiana for supervision. According to U.S. Probation Officer Tasha Taylor, Longworth was arrested on May 10, 2013, by an officer with the Indianapolis Police Department for Public Intoxication. According to an arrest report, Longworth was found asleep on the driver's side of his vehicle parked in a ditch. Longworth was awakened and he had a strong odor of alcohol on his body, had slurred speech, and was unsteady on his feet. Since his vehicle was in a ditch next to a public roadway, he was charged with public intoxication, in violation of Indiana Code 7.1-5-1-3MB. However, the charges were never filed appropriately by the arresting officer, therefore, the matter will not be prosecuted.

USPO Taylor met with Mr. Longworth and he has no recollection of the events that led to this incident. He is enrolled in substance abuse treatment and all urine screens have been negative. However, Mr. Longworth is experiencing symptoms of Post Traumatic Stress Disorder (PTSD) and depression since his release from the military. He is also suffering from injuries relating from Traumatic Brain Injury (TBI). As such, it is recommended the conditions of probation be modified to require him to participate in mental health treatment and abstain from use of alcohol.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: July 12, 2013

ORDER OF COURT

Considered and ordered this 12 day of JULY, 2013, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge